

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Terstappen, et al.	Examiner:	Christopher H. Yaen
Serial No.:	09/865,048	Group Art Unit:	1642
Confirmation No.:	2293	Docket:	890-2 FWC/CIP/CPA/CON
Filed:	May 24, 2001	Dated:	January 9, 2004
For:	PHAGE ANTIBODIES		

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

1. Identification of Person Making this Disclaimer (Disclaimant)

I, Edna I. Gergel, Ph.D.,

represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☒ an attorney/agent of record for this invention.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

☐ Transmitted by facsimile to the Patent and Trademark Office

Signature

Julie L. Watts

Date: January 9, 2004

01/14/2004 MBELETE1 00000049 09865048

02 FC:2814

55.00 OP

2. Identity of Assignee

The assignee of this invention is: Becton Dickinson & Company having an address in Franklin Lakes, New Jersey; and Crucell Holland B.V. having an address in Leiden, The Netherlands.

3. Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns or represents is in:

- ☒ the whole of the invention.
☐ a sectional interest in this invention, as follows:

4. Recordation of Assignment in USPTO

☒ The assignment of the above-identified interest to Becton Dickinson & Company was recorded in the USPTO
on May 14, 2001 at
Reel 011801;
Frame 0375.

☒ The assignment of the above-identified interest to Crucell Holland B.V. was recorded in the USPTO
on May 14, 2001 at
Reel 011801;
Frame 0382.

☐ Authorization for recordation of an assignment of the above-identified interest is attached hereto, together with a separate assignment document cover sheet (Form PTO 1595).

5. Establishing Right of Assignee to Take Action

☐ Attached is a Certificate Under 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.

6. Disclaimer

The terminal part of the statutory term of any patent granted on the present application identified above, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

☒ United States Patent No. 6,265,150 B1, as presently shortened by any terminal disclaimer,

☐ Any patent granted on Application Serial No. _____,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the present application shall be enforceable only for, and during, such period that the legal title to the patent granted on the present application shall be the same as the legal title to the specified patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent specified herein in the event that the

latter patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title identified above.

7. Fee status

A fee is due under 37 CFR 1.20(d):

- ☐ Other than a small entity--fee \$110.00.
☒ Small entity--fee \$55.00.

8. Fee Payment

- ☒ Attached is a check in the sum of \$ 55.00.
☐ Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

Please charge Deposit Account 08-2461 for any deficiency, or credit same for any overpayment.

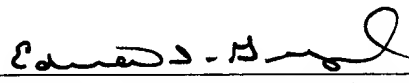
9. Declaration

☐ As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Signature of Disclaimant

Address



Signature of Attorney/Agent of Record
Edna I. Gergel, Ph.D.
HOFFMANN & BARON, L.L.P.
6900 Jericho Turnpike
Syosset, New York 11791
Tel: (516) 822-3550
Fax: (516) 822-3582